STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

████████
████████████
████████
██████████████

DECISION
Case #: MGE - 175139

PRELIMINARY RECITALS

Pursuant to a petition filed June 21, 2016, under Wis. Stat., §49.45(5), to review a decision by the Oconto County Dept. of Health and Human Services to deny Medical Assistance (MA), a hearing was held on August 10, 2016, by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

███████████
████████████████
██████████
█████████████████

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703
By: ███████████
Oconto County Dept. of Health and Human Services
501 Park Avenue
Oconto, WI 54153-1612

ADMINISTRATIVE LAW JUDGE:
Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1.   Petitioner (CARES # ███████████) was a resident of Oconto County. He died May 11, 2016.

2.   Petitioner's granddaughter requested MA on his behalf for the period in which he was institutionalized (April 19 to May 11). While a worker was processing the request she entered the date of death, and the state computer system issued a notice dated June 30, 2016 that denied MA.

3.   Petitioner's granddaughter filed an appeal on his behalf. The county withdrew the denial notice and put the request in pending stage. The county worker is awaiting verification of petitioner's assets (which petitioner's granddaughter mistakenly faxed to the Division of Hearings and Appeals).

DISCUSSION

The facts as set out above were discussed during the hearing. Because the county has withdrawn the denial, I will dismiss this appeal while the parties continue the eligibility processing. If the county later denies the application again petitioner's granddaughter can filed a new appeal.

CONCLUSIONS OF LAW

No issue remains because the county has withdrawn an MA denial and is continuing to process petitioner's application.

THEREFORE, it is   **ORDERED**

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.
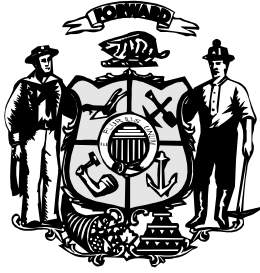
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison, Wisconsin, this 12th day of August, 2016

\s_____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals

State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI   53705-5400

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The preceding decision was sent to the following parties on August 12, 2016.

Oconto County Department of Health And Human Services
Division of Health Care Access and Accountability